

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

-against-

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS
AND EDIBLES, RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

Civil Action No. 15-cv-701-FPG

AFFIDAVIT OF CHUCK SMITH

State of Colorado)

County of Denver) ss:

Chuck Smith, under penalty of perjury, does hereby depose and state:

1. I am the Chief Operating Officer of Dixie Elixirs, LLC, sued incorrectly herein as Dixie Elixirs and Edibles (“Dixie”).

2. I am fully familiar with the facts and circumstances of this case and make this affidavit in support of Dixie’s Motion for Summary Judgment.

3. I provide the information contained in this affidavit based upon my own personal knowledge and review of records created and/or kept in the ordinary course of Dixie’s business.

4. During and prior to September and October 2012, Dixie was engaged in the research, development, manufacture and distribution of certain legal hemp-based cannabidiol products.

5. Dixie’s involvement with the product at issue in this action, the Dixie X CBD Dew Drops 500 mg Tincture (“Dixie X”), was to facilitate the sale of the finished product.

6. Prior to being made available for public consumption, Dixie X was regularly tested to ensure compliance with state and federal laws and regulations.

